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UNITED STATES DEPARTMENT OF AGRICULTURE

PRODUCTION AND MARKETING ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

1926-1949

The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication, as provided in section 4 of the Insecticide Act of 1910 (36 Stat. 331).

Charles F. Brannan

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 29, 1946.

1926. Adulteration and misbranding of "Laymon's Roach & Ant Food." U. S. v. Herman B. Laymon, trading as World's Products Co. Demurrer to defendant's plea in abatement, sustained. Plea of guilty. Fine \$50. (I. & F. No. 2350. I. D. No. 7660.)

An examination of samples of "Laymon's Roach & Ant Food" showed that the product contained an average of 55.1 percent sodium fluoride and 44.9 percent inert ingredients, instead of 72 percent sodium fluoride and 28 percent inert ingredients as stated on the label.

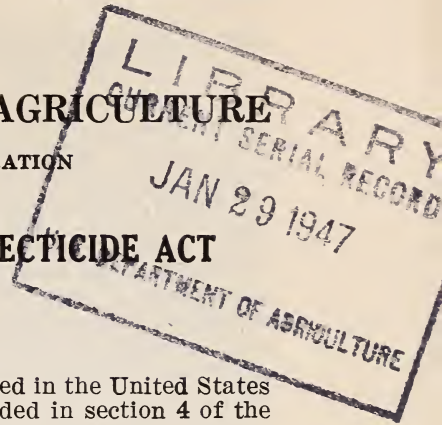
On April 22, 1944, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Herman B. Laymon, trading as World's Products Co., alleging shipment in interstate commerce, on or about August 13, 1943, from Spencer, Ind., to Shreveport, La., of a quantity of "Laymon's Roach & Ant Food," which was deemed to have been an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statements, "Laymon's Roach & Ant Food * * * Active Ingredient: Sodium Fluoride 72%, Inert Ingredient 28% * * *," borne on the labels affixed to the cartons containing the product, purported and represented that its standard or quality was such that it contained not less than 72 percent of sodium fluoride and inert ingredients not in excess of 28 percent, whereas the strength or purity of the product fell below the professed standard or quality under which it was sold, in that the product contained less than 72 percent of sodium fluoride and more than 28 percent inert ingredients.

The product was alleged to be misbranded in that the foregoing label statement of ingredients was false and misleading and the product was labeled so as to deceive and mislead the purchaser.

On May 24, 1944, defendant filed a plea in abatement and brief in support thereof, arguing that he had not been afforded an opportunity for a hearing in accordance with the Regulations for the Enforcement of the Insecticide Act of 1910 dated July 17, 1928. On June 15, 1944, the United States attorney filed a demurrer to defendant's plea in abatement, showing that the regulations cited by the defendant in his plea in abatement had been superseded by regulations issued on September 23, 1941, effective as of October 1, 1941, and later amended on September 19, 1942, and that these regulations had been followed so as to afford defendant a hearing. Complainant's brief cited court decisions holding that a hearing was not a prerequisite to prosecution.

On June 24, 1944, the court sustained complainant's demurrer to the defendant's plea in abatement. On June 30, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$50.



1927. Misbranding of "Lime Sulfur Solution" and "Oil Emulsion." U. S. v. H. A. DuBois & Sons, Inc., a corporation. Plea of guilty. Fine \$100 and costs. (I. & F. No. 2357. I. D. Nos. 8638, 8647, 8648.)

An examination of samples of the "Lime Sulfur Solution" showed that the product contained 67.57 percent and 67.26 percent, respectively, of water, which was an inert ingredient. The product was misbranded, since it failed to bear a label showing the required ingredient statement. An examination of a sample of "Oil Emulsion" showed that it contained 36.6 percent of water, which was an inert ingredient. The product was misbranded since it failed to bear a label showing the required ingredient statement.

On July 6, 1944, the United States attorney for the Eastern District of Illinois, acting upon a report from the Secretary of Agriculture, filed an information in the district court against H. A. DuBois & Sons, Inc., a corporation, alleging shipment in interstate commerce from Cobden, Ill., to Cape Girardeau, Mo., on or about March 14, 1944, of a quantity of "Lime Sulfur Solution," and, on or about February 26, 1944, of a quantity of "Oil Emulsion" and "Lime Sulfur Solution." These products were contained in a number of drums which did not bear any labels. The "Lime Sulfur Solution" was deemed to have been a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910, and the "Oil Emulsion," a misbranded insecticide within the meaning of said act.

It was alleged in the information that the "Lime Sulfur Solution" was misbranded in that the product consisted partially of an inert substance (water), which did not prevent, destroy, repel, or mitigate insects or fungi, and did not bear a label stating the name and percentage amount of such inert ingredient, nor did it bear a label stating the names and percentage amounts of the ingredients having insecticidal or fungicidal properties and the total percentage of the inert ingredients.

It was alleged in the information that the "Oil Emulsion" was misbranded in that the product consisted partially of an inert substance (water), which did not prevent, destroy, repel, or mitigate insects, and did not bear a label stating the name and percentage amount of such inert ingredient, nor did it bear a label stating the names and percentage amounts of the ingredients having insecticidal properties and the total percentage of the inert ingredients.

On July 21, 1944, the defendant corporation entered a plea of guilty. A fine of \$100 and costs were imposed.

1928. Adulteration and misbranding of "Newco Stabilized Formaldehyde Dust." U. S. v. Newco Manufacturing Corporation, a corporation. Plea of guilty. Fine \$200. (I. & F. No. 2281. I. D. No. 4902.)

An examination of "Newco Stabilized Formaldehyde Dust" showed that the product consisted of 0.48 percent formaldehyde and 99.52 percent inert ingredients, instead of 6 percent paraformaldehyde and 94 percent inert ingredients as claimed on the label. The name was misleading since the product consisted chiefly of siliceous material and a very small amount of formaldehyde. Because of the shortage in formaldehyde content the product was worthless and failed to control the diseases specified and implied by the label directions.

On August 9, 1944, the United States attorney for the Southern District of New York, acting upon a report from the Secretary of Agriculture, filed in the district court an information against Newco Manufacturing Corporation, a corporation, alleging shipment in interstate commerce, on or about March 18, 1942, from Mount Vernon, N. Y., to Greenwich, Conn., of a quantity of "Newco Stabilized Formaldehyde Dust," which was deemed to have been an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged in the information to be adulterated in that the statements, "Newco Stabilized Formaldehyde Dust * * * Analysis (at the time packaged): Paraformaldehyde, 6%; Inert Ingredients, 94%," appearing on the labels affixed to the cans containing the product, represented that its standard or quality was such that it contained paraformaldehyde in a proportion of not less than 6 percent and inert ingredients in a proportion of not more than 94 percent, whereas the strength or purity of the article fell below the professed standard or quality under which it was sold, in that the product contained paraformaldehyde in a proportion less than 6 percent and inert ingredients in a proportion greater than 94 percent.

The product was alleged in the information to be misbranded in that the statement, "Stabilized Formaldehyde Dust," appearing on the labels affixed to the cans containing the product was false and misleading so as to deceive and mislead purchasers, as the product consisted chiefly of siliceous material with only a small amount of formaldehyde.

The product was alleged in the information to be further misbranded in that the statements,

"Newco Stabilized Formaldehyde Dust Seed And Soil Treating Compound Directions: To treat soil, as a means of control of certain fungus diseases known as damping-off of seedlings, use 1½ oz. of Newco Stabilized Formaldehyde Dust per square foot of soil in beds, benches or flats 3 inches deep. Use 2 to 3 oz. per square foot if 4 inches deep. * * * For treating soil to be used in pots and flats, mix 8 ounces of Newco Stabilized Formaldehyde Dust with each bushel of soil on a tight floor or bench, by shoveling over many times. Place the mixed soil in pots, flats or benches and plant the seed. * * * Treat soil for use in transplantings or cuttings three days (72 hours) to seven days before setting the plants. Apply Newco Stabilized Formaldehyde Dust at the same rate as previously given and water the soil thoroughly, and keep it wet. * * * For use as a control for Oat Smut and Covered Smut of Barley mix 3 ounces of Newco Stabilized Formaldehyde Dust very thoroughly with each bushel of grain. * * * For field treatment of such crops as beans, peas, onions, beets and spinach drill Newco Stabilized Formaldehyde Dust with the seed at the rate of one ounce to a 30 foot row. Use one pound to 450 foot row," borne on the labels affixed to the cans containing the product, were false and misleading so as to deceive and mislead the purchasers in that the product, when used as directed on the label, would not control the diseases specified and implied by the label claims.

It was alleged in the information that the product was further misbranded in that the statement of ingredients, borne on the labels affixed to the cans containing the product, was false and misleading so as to deceive and mislead the purchasers since the product contained less than 6 percent of paraformaldehyde and more than 94 percent inert ingredients.

On August 21, 1944, a plea of guilty was entered on both counts, and the court imposed a fine of \$100 on each of the two counts.

1929. Misbranding of "Go-West Improved Insect Bait." U. S. v. 700 16-ounce packages, more or less, of "Go-West Improved Insect Bait." Default decree of condemnation and forfeiture. (I. & F. No. 2358. I. D. Nos. 8885, 8934.)

An examination of samples of "Go-West Improved Insect Bait" showed that the average net weight was 12.42 ounces instead of 16 ounces, when packed, which was the weight declared on the package labels.

On June 8, 1944, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 16-ounce packages, more or less, of "Go-West Improved Insect Bait" at Jersey City, N. J., alleging that the product had been shipped in interstate commerce on or about December 16, 1943, by the Agricultural Laboratories, Inc., from Columbus, Ohio, and charging that the product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "Net Weight 16 Ozs. When Packed," borne on the labels affixed to the packages containing the product, was false and misleading so as to deceive and mislead the purchaser in that the statement purported and represented that the packages contained 16 ounces net weight of the product when packed, whereas the packages had not and did not contain 16 ounces net weight of the product.

On August 14, 1944, no claimant having appeared, decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

1930. Adulteration and misbranding of "Mechling's Arsenate of Calcium." U. S. v. General Chemical Company, a corporation. Plea of not guilty. Tried to the court. Judgment of guilty on count one and not guilty on count two. Fine \$25. (I. & F. No. 2335. I. D. No. 6063.)

An examination of a sample of "Mechling's Arsenate of Calcium" showed that the product contained 69.7 percent of calcium arsenate, equivalent to 26.2 percent of metallic arsenic and 40.2 percent of arsenic pentoxide, and 30.3 percent of inert ingredients. The examination also showed that the product contained 1.7 percent of water soluble arsenic, equivalent to 2.5 percent of arsenic pentoxide. Field tests showed the product was injurious to beans when used both as a dust and as a spray.

On January 21, 1944, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against General Chemical Company, a corporation, alleging shipment in interstate commerce, on or about April 16, 1943, from Locust Point, Md., to Hartford, Conn., of a quantity of "Mechling's Arsenate of Calcium" which was

deemed to have been an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one the product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. The label attached to the bags containing the product stated in part,

"ACTIVE INGREDIENT, Dry Arsenate of Calcium----- not less than 71.00%
INERT INGREDIENTS----- not more than 29.00%

TOTAL ARSENIC:

Expressed as Metallic Arsenic (As)----- not less than 26.74%
Equivalent to Arsenic Pentoxide (As_2O_5)----- 41.00%
Equivalent to Arsenic Trioxide (As_2O_3)----- 35.29%

ARSENIC IN WATER SOLUBLE FORM:

Expressed as Metallic Arsenic (As)----- not more than 0.49%
Equivalent to Arsenic Pentoxide (As_2O_5)----- 0.75%,"

whereas the product contained less than 71.00 percent calcium arsenate, more than 29.00 percent inert ingredients, less than 26.74 percent total arsenic expressed as metallic arsenic, less than 41.00 percent arsenic pentoxide, and more than 0.49 percent water soluble arsenic expressed as metallic arsenic, equivalent to 0.75 percent arsenic pentoxide.

In count one the product was alleged to be further adulterated in that it contained a substance or substances injurious to vegetation when applied as directed.

In count two the product was alleged to be misbranded in that the contents differed from the statement of composition on the label. The product was alleged to be further misbranded in that the labels were false and misleading so as to mislead and deceive the purchaser in that the labels stated in part, "Mechling's Arsenate of Calcium * * * For Dust Application: On truck crops, mix 1 part Mechling's Arsenate of Calcium with 4 parts of Hydrated Lime and apply mixture at the rate of 10-20 pounds per acre * * * For Small Usage: Use 10-12 level teaspoonfuls of MECHLING'S Arsenate of Calcium to 1 gallon of water with the addition of equal parts of Hydrated Lime," whereas the product when used as directed was not safe on truck crops and would injure tender foliage such as beans.

On October 11, 1944, the defendant having entered a plea of not guilty, the case came on for trial before the court, jury having been waived. The court found that the water soluble arsenic content exceeded that stated on the label and that the product was injurious to bean plants; whereupon, the defendant was adjudged guilty on count one and not guilty on count two. The court imposed a fine of \$25.

1931. Adulteration and misbranding of "Harris' Original 'Ant Buttons.'" U. S. v. Harris Products Co., Inc. Plea of nolo contendere on count one. Count two nol-prossed in consideration of defendant's stipulation to change composition and labeling. Fine \$50. (I. & F. No. 2292. I. D. No. 2172.)

An examination of samples of this product showed that it consisted of sodium arsenate and sugars packed in small metal caps that were enclosed in cellophane envelopes. The analysis showed the product contained 3.22 percent and 3.29 percent of sodium arsenate, equivalent to 1.30 percent and 1.33 percent arsenic, and 96.78 percent and 96.71 percent inert ingredients, respectively, while the label declared 14.41 percent sodium arsenate, 3.46 percent total arsenic in all water soluble form, and 85.59 percent inert ingredients. Tests showed the product was ineffective against seven species of ants and was effective against one species of ants and it was not reliable against roaches, silverfish, water bugs, crickets, all flies, and wasps when used as directed.

On August 17, 1943, the United States attorney for the Southern District of Florida, acting on a report by the Secretary of Agriculture, filed in the district court an information against Harris Products Co., Inc., a corporation, alleging shipment in interstate commerce on or about March 5, 1941, from Miami Beach, Fla., to Macon, Ga., of a quantity of "Harris' Original 'Ant Buttons'" which was deemed to have been an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one the product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. The label on the cellophane envelope and small cartons containing the product stated:

"Active Ingredient: Sodium Arsenate 14.41%, Inert Ingredients 85.59%, Total Arsenic As Metallic In All Water Soluble Form 3.46%,"

whereas the product contained less than 14.41 percent of sodium arsenate, more than 85.59 percent of inert ingredients, and less than 3.46 percent of water soluble arsenic expressed as metallic arsenic.

In count two the product was alleged to be misbranded in that the above statement of ingredients was false and misleading so as to deceive and mislead the purchaser. The article was alleged to be misbranded further in that the statements appearing on the metal caps, on the cellophane envelopes, and on the small cartons, as quoted in part:

"'Ant Buttons' Kill Ants-Roaches moisten daily with few drops water—stir until dissolved * * * Kills . . . Flies, Many Insects * * * —For Roaches, Waterbugs, Wasps, Flies, Many Insects, . . . —Add a pinch of flour or a bit of raw potato, cheese or other bait to moistened 'Ant Buttons'. Use 'Ant Buttons' constantly to destroy pests as they hatch or appear from neighboring premises.

"'Ant Buttons' kill most prevalent Sweet-Eating Ants that invade Homes, Gardens or Burrow In Wood. To destroy the rare Grease-Eating Ant, add a scrap of meat or bacon.

"Trees, Agricultural Ants—Moisten and place near ant nests. Effective to the last. * * *

"'Ant Buttons' prevent breeding of ants and development of their eggs. * * *

were false and misleading so as to deceive and mislead the purchaser, since the product would not kill ants or prevent the breeding of ants and the development of their eggs, and would not kill roaches, flies, water bugs, wasps, crickets, silverfish, and other insects indicated by the term "Many Insects."

On October 24, 1944, in consideration of dismissal of the count of misbranding, the defendant corporation and Sara Harris, individually, stipulated that the formula of the product would be changed according to certain specifications and that this product might be offered for use as a control against sweet-eating ants, and house flies, and under certain conditions by continued use would reduce the infestations of roaches, water bugs, silverfish, and crickets. The defendant corporation then entered a plea of nolo contendere to count one, and count two was nolo-prossed. The court imposed a fine of \$50.

1932. Misbranding of "Mirra Moth Immunizer." U. S. v. 1,003 quart bottles, more or less, 199 one-half gallon bottles, more or less, and 81 gallon bottles, more or less, each containing and labeled "Mirra Moth Immunizer." Upon admission of the allegations in the libel the court issued an order permitting relabeling of the goods and their return after relabeling to the shipper. (I. & F. No. 2363. I. D. Nos. 9076, 9082.)

Examination of samples of "Mira Moth Immunizer" showed that the product consisted of 99.7 percent water with a small amount of sodium arsenate, pine oil, and coloring matter. The only active ingredient was sodium arsenate and the bottle labels did not bear the required ingredient statement.

On August 18, 1944, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, praying seizure and condemnation of 1,003 quart bottles, 199 one-half gallon bottles, and 81 gallon bottles, more or less, of "Mirra Moth Immunizer" at Louisville, Ky., alleging that the product had been shipped in interstate commerce, on or about May 17, 1944, by Mirra Chemical Laboratories, from Columbus, Ohio, and charging that the product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it consisted partially of inert substances (substances other than sodium arsenate) which would not prevent, destroy, repel, or mitigate insects (moths) and did not have the names and percentage amounts of such inert ingredients stated on the label, nor did the label bear a statement of the name and percentage amount of the ingredient having insecticidal properties and the total percentage of inert ingredients.

On September 7, 1944, Mirra Chemical Laboratories, having appeared as claimant, admitted the allegations of the libel, as amended, and requested permission to relabel the bottles of the product under supervision of the U. S. Department of Agriculture. On September 7, 1944, a court order permitted claimant to relabel the product under bond with labels which had been approved by the Department of Agriculture. On October 3, 1944, the court entered a decree finding that the bottles of the product had been relabeled in accordance with the requirement of the Department of Agriculture and ordered the product returned to the Mirra Chemical Laboratories and the bond released.

1933. Misbranding of "Bycolife." U. S. v. Bynum Bycolife Company, a corporation. Plea of not guilty. Trial by jury. A juror withdrawn by the court. Plea of guilty to count two. Order that defendant make no further insecticidal claims on label or in advertising. Count one held on docket. Judgment suspended until next term of court. Final judgment: Fine of \$200, which was suspended on condition that order be not violated further. (I. & F. No. 2243. I. D. 3109.)

An examination of "Bycolife" showed that it consisted of potassium chloride, calcium phosphate, calcium sulphate, iron compounds, water soluble nitrogen compound, organic material of the nature of dried sewage, and siliceous material. Tests showed the product was ineffective in preventing insect damage to roses, potatoes, beans, privet, cabbage, and several greenhouse plants.

The United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bynum Bycolife Company, a corporation, alleging shipment in interstate commerce, on or about May 21, 1941, from Charlotte, N. C., to Pocomoke City, Md., of a quantity of "Bycolife" which was deemed to have been a misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one, the product was alleged to be misbranded in that the statements,

"Bycolife

The Insecticided Plant Food * * *

A Complete High Analysis Plant Food with Non-Poisonous Insecticide for the Prevention and Control of Leaf-Eating and Sap-Sucking Insects * * *

Bycolife

A Completely Insecticided Plant Food

Follow these directions:

Roses—Pull the dirt away from the stalk for two or three inches deep enough to see the roots, apply a tablespoonful all around the plant, cover with dirt and water well.

Pot Plants—Run a ring with your finger around near the pot, dust Bycolife sparingly, cover with dirt and water.

Shrubs—Pull dirt away from plant six to twelve inches down to the feed roots, apply Bycolife according to the size of the Shrub. Replace dirt and water thoroughly.

Trees—Pull dirt away from the body from 12 to 18 inches. Apply from 3 to 5 lbs. equally all around, cover and water.

Caution—Always apply enough Bycolife to fertilize the plant and the Insecticide will do the rest. Follow with another application as often as necessary.

Bycolife

A Complete Non-Burning Fertilizer

Tested for three years under all kinds of Flowers, Trees and Shrubs.

A NEW IDEA in preventing Insects.

The plant takes up the fertilizer through the Feed Roots and in so doing insecticides each leaf and limb * * *"

borne on the labels affixed to the bags containing the product, were false and misleading so as to deceive and mislead the purchaser, since the product, when used as directed, would not prevent or control leaf-eating and sap-sucking insects, would not prevent insects, and would not render each leaf and each limb insecticidal.

In count two, the product was alleged to be further misbranded in that the article consisted completely of inert substances, and the name and percentage amount of each and every inert substance were not stated plainly and correctly, or at all, on the bag labels.

On April 7, 1942, the case came on for trial before a jury, the defendant having entered a plea of not guilty. At the conclusion of presentation of the Government evidence the court ordered a juror withdrawn. The defendant then entered a plea of guilty on count two. The court then ordered that the defendant must not label or advertise in any form that the product was insecticidal or would prevent and control leaf-eating and sap-sucking insects. Count one was held on the docket. Defendant was to show at next term of court that the product was not being sold as having insecticidal values.

At the fall term of court in 1942, additional evidence was presented that the product was being sold with insecticidal claims. Upon the defendant's promise not to violate the order further, the case was held open. On October 3, 1944, further evidence was presented that the court's order was being violated. The court imposed a fine of \$200 on count two, which was suspended upon condition that the former order of the court be not violated further.

1934. Adulteration and misbranding of "Hi-Tox-20." U. S. v. 9 fifty-five-gallon drums and 25 five-gallon cans, more or less, of "Hi-Tox-20." U. S. v. 1 fifty-five-gallon drum of "Hi-Tox-20." Default decrees of condemnation and forfeiture and product ordered destroyed. (I. & F. Nos. 2368 and 2367. I. D. Nos. 10324 and 10325.)

An examination of samples of "Hi-Tox-20" showed that the product consisted chiefly of mineral oil containing a small amount of a chlorinated compound, similar to orthodichlorobenzene, a trace of an organic thiocyanate, and green coloring matter. The product was represented by implication as possessing a strength comparable to a 20-1 concentrated fly spray, whereas tests with the undiluted samples against bred flies in the Peet-Grady chamber gave average knockdowns of 44 percent and 47 percent, and kills of 17 percent and 22 percent, respectively. Comparative tests with the Official Test Insecticide gave an average knockdown of 99 percent and a kill of 48 percent. Similar tests with a sample of the product at a dilution of 1 part to 19 parts of deodorized kerosene gave an average knockdown of 23 percent and 20 percent and a kill of 3 percent and 4 percent. Comparative tests with the Official Test Insecticide gave an average knockdown of 96 percent and a kill of 53 percent.

On September 21, 1944, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 fifty-five gallon drums and 25 five-gallon cans, more or less, of "Hi-Tox-20" at Los Angeles, Calif., alleging that the product had been shipped in interstate commerce, on or about March 24, March 27, and April 11, 1944, by the Associated Chemists, Inc., from Chicago, Ill., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

On September 13, 1944, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one fifty-five-gallon drum of "Hi-Tox-20" at San Francisco, Calif., alleging that the product had been shipped in interstate commerce, on or about March 24, 1944, or March 27, 1944, by the Associated Chemists, Inc., from Chicago, Ill., to Los Angeles, Calif., and thereafter reshipped to San Francisco, Calif., where the product remained unsold and in the original drum, and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

In both libels the product was alleged to be adulterated in that the statement, "HI-TOX-20 in odorless base," borne on the containers of the product, purported and represented that the product's standard or quality was such that it had a strength comparable to a 20-1 concentrated fly spray, whereas the strength or purity of the product fell below such standard or quality in that the product did not possess a strength comparable to a 20-1 concentrated fly spray.

In both libels the product was alleged to be misbranded in that the label statement, "HI-TOX-20 in odorless base," was false and misleading so as to deceive and mislead the purchaser. The statement purported and represented by implication that the product possessed a strength comparable to a 20-1 concentrated fly spray, whereas the product did not possess such a strength.

On October 24, 1944, and March 31, 1945, no claimants having appeared, decrees of condemnation and forfeiture were entered and the United States marshals were ordered to destroy the product.

1935. Adulteration and misbranding of "Hi-Tox-20." U. S. v. 5 fifty-five-gallon drums and 51 five-gallon cans, more or less, of "Hi-Tox-20." Default decree of condemnation and forfeiture and product ordered destroyed. (I. & F. No. 2365. I. D. No. 10312.)

Examination of samples of "Hi-Tox-20" showed that the product consisted chiefly of mineral oil, a chlorinated compound, similar and equivalent to 5.04 percent, 5.06 percent, and 5.93 percent orthodichlorobenzene, respectively, and coloring matter. The product was represented by implication as possessing a strength comparable to a 20-1 concentrated fly spray, whereas tests with one of the undiluted samples against bred flies in the Peet-Grady chamber gave an average knockdown of 14 percent and a kill of 4 percent, and comparative tests with the Official Test Insecticide gave an average knockdown of 97 percent and a kill of 65 percent. Similar tests on samples of the product at a dilution of 1 part to 19 parts of deodorized kerosene gave average knockdowns of 19 percent and 22 percent and kills of 7 percent and 8 percent, respectively. Comparative tests with the Official Test Insecticide gave an average knockdown of 95 percent and a kill of 60 percent.

On August 31, 1944, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 5 fifty-five-gallon drums and 51 five-gallon cans, more or less, of "Hi-Tox-20," at San Francisco, Calif., alleging that the product had been shipped in interstate commerce, on or about February 23, 1944, by the Associated Chemists, Inc., from Chicago, Ill., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statement "HI-TOX-20 in odorless base," borne on the drums, and the statement "Hi-Tox-20," stenciled on the fiber cases containing the cans, purported and represented that the product's standard or quality was such that it had a strength comparable to a 20-1 concentrated fly spray, whereas the strength or purity of the product fell below such standard or quality in that the product did not possess a strength comparable to a 20-1 concentrated fly spray.

The product was alleged to be misbranded in that the above statements were false and misleading so as to deceive and mislead the purchaser by purporting and implying that the product possessed a strength comparable to a 20-1 concentrated fly spray, whereas the product did not possess such a strength.

On March 3, 1945, no claimant having appeared, decree of condemnation and forfeiture was entered and the United States marshal was ordered to destroy the product.

1936. Misbranding of "Jaygol Roach Abolisher." U. S. v. 181 dozen 14-ounce bags of "Jaygol Roach Abolisher." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2379. I. D. No. 10050.)

Examination of a sample of "Jaygol Roach Abolisher" showed that the product consisted of 99.44 percent boric acid and 0.56 percent inert ingredients.

On February 28, 1945, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure for condemnation and confiscation of 181 dozen bags of "Jaygol Roach Abolisher," at Atlanta, Ga., alleging that the product had been shipped in interstate commerce, on or about December 6, 1944, by the Jaygol Products Corporation, from Brooklyn, N. Y., and charging that the product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Jaygol Roach Abolisher" was misbranded in that the label stated,

(1) "Jaygol Roach Abolisher. This product when used according to simple directions is guaranteed to absolutely abolish forever infestations of roaches and water bugs,"

(2) "Harmless to humans and pets—Is non-poisonous to humans and house pets, could be used safely everywhere,"

whereas the product when used as directed, would not absolutely abolish forever infestations of roaches and water bugs, and the product was not harmless to humans and household pets and could not be used safely everywhere.

On March 30, 1945, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

1937. Adulteration and misbranding of "D & P Liquid Insecticide Soap" and adulteration of "D & P 4 in 1 Spray." U. S. v. Doggett-Pfeil Company. Plea of guilty. Fine \$50 on each of five counts, total \$250. Fine suspended and company placed on probation for a period of 2 years. (I. & F. No. 2371. I. D. Nos. 6184, 8936, 8940.)

Two samples of "D & P Liquid Insecticide Soap" were examined and found to contain 20.4 percent soap and 18.8 percent soap, respectively.

Examination of a sample of "D & P 4 in 1 Spray" showed it to consist of lime and other calcium compounds, together with 49.80 percent lead arsenate, nicotine-bearing material, and copper compounds.

On January 2, 1945, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed an information in the district court against the Doggett-Pfeil Company, a corporation, alleging shipments in interstate commerce, on or about February 6, 1943, and January 31, 1944, from Springfield, N. J., to Locust Valley, Long Island, N. Y., of a quantity of "D & P Liquid Insecticide Soap" which was an adulterated and misbranded insecticide, and, on or about April 10, 1944, of a quantity of "D & P 4 in 1 Spray" which was a misbranded insecticide, under the Insecticide Act of 1910.

The "D & P Liquid Insecticide Soap" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, as the statement, "Active Ingredient: Soap not less than 39%," was contained on its label, whereas the product did not contain 39 percent soap.

The product was alleged to be misbranded in that the statement of ingredients, borne on the labels as quoted in the preceding paragraph, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

The "D & P 4 in 1 Spray" was adulterated within the meaning of the Insecticide Act of 1910 in that the product contained a substance or substances injurious to vegetation on which it was intended to be used.

On April 4, 1945, a plea of guilty was entered and on May 4, 1945, the court sentenced the defendant to pay a fine of \$50 on each of five counts, but suspended the operation of said sentence and put the defendant corporation on probation for 2 years.

1938. Adulteration and misbranding of "Famous 20-20-60 Copper Mixture" and "Farmrite 20-20-60 Copper Mixture." U. S. v. Central Chemical Corporation of Maryland. Plea of guilty. Fine \$48 and costs. (I. & F. No. 2370. I. D. Nos. 8501, 8511.)

Analysis of "Farmrite 20-20-60 Copper Mixture" showed that the product contained 17.83 percent monohydrated copper sulphate, 30.63 percent total active ingredients, and 69.37 percent inert ingredients.

Analysis of "Famous 20-20-60 Copper Mixture" showed that the product contained 1.03 percent monohydrated copper sulphate, 16.93 percent total active ingredients, and 83.07 percent inert ingredients.

On February 1, 1945, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Central Chemical Corporation of Maryland, alleging shipment in interstate commerce, on or about June 1, 1944, from Hagerstown, Md., to Chambersburg, Pa., of a quantity of an article labeled and known as "Famous 20-20-60 Copper Mixture," and, on or about June 16, 1944, from Hagerstown, Md., to Clarksburg, W. Va., of a quantity of an article labeled and known as "Farmrite 20-20-60 Copper Mixture."

The "Farmrite 20-20-60 Copper Mixture" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, as the following statement was contained on its label:

"Active Ingredients:

Mono-Hydrated Copper Sulphate.....	20.0%
Tricalcium Arsenate.....	13.5%
Total.....	33.5%
Inert Ingredients.....	66.5%
Total.....	100.0%,"

whereas the product contained less than 20 percent monohydrated copper sulphate, less than 33.5 percent total active ingredients, and more than 66.5 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients as quoted in the preceding paragraph, borne on the labels, was false and misleading, and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

The "Famous 20-20-60 Copper Mixture" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, as the following statement was contained on its label:

"Active Ingredients:

Mono-Hydrated Copper Sulphate.....	20.0%
Tricalcium Arsenate.....	13.5%
Total.....	33.5%
Inert Ingredients.....	66.5%
Total.....	100.0%,"

whereas the product contained less than 20 percent monohydrated copper sulphate, less than 33.5 percent total active ingredients, and more than 66.5 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients as quoted in the preceding paragraph, borne on the labels, was false and mislead-

ing and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

On February 23, 1945, a plea of guilty was entered, and the court imposed a fine of \$12 on each of the four counts, together with the costs of prosecution.

1939. Adulteration and misbranding of "Pine Oil Seven" and misbranding of "Cenol Roach Destroyer." U. S. v. The Cenol Company. Plea of nolo contendere. Fine \$400 and costs. (I. & F. No. 2374. I. D. Nos. 9456, 9462.)

Analysis of "Pine Oil Seven" showed that the product consisted of pine oil, sulphonated oil, soap, and water, and a bacteriological test showed it to have a phenol coefficient of 3.

Analysis of "Cenol Roach Destroyer" showed that the product consisted of sodium fluoride, boric acid, siliceous material, a small amount of starchy material, and coloring matter.

On February 28, 1945, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Cenol Company, a corporation, alleging shipment in interstate commerce, on or about October 19, 1943, from Chicago, Ill., to South Bend, Ind., of quantities of "Pine Oil Seven" and "Cenol Roach Killer." The "Pine Oil Seven" was an adulterated and misbranded fungicide and the "Cenol Roach Destroyer" was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Pine Oil Seven" was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. The statement, "Pine Oil Seven Germicide Disinfectant Antiseptic Coefficient 7," borne on the label affixed to the bottles, purported and represented that said product had a phenol coefficient not less than 7, whereas said product did not possess a phenol coefficient of 7.

The "Pine Oil Seven" was alleged to be misbranded in that the statements, "Pine Oil Seven Germicide Disinfectant Antiseptic Coefficient 7 * * * Pine Oil Seven is effective as an aid to * * *, killing germs * * *

Table of Dilutions * * *

Garbage Receptacle—

3 Teaspoonfuls to 1 Quart of Water

Bathroom, Floors, Public Places, Etc.—

3 Teaspoonfuls to 1 Quart of Water

Washing Carpets, Rugs, Woodwork, Etc.—

2 Teaspoonfuls to 1 Quart of Water

Telephone Mouthpieces—

2 Teaspoonfuls to 1 Quart of Water,"

borne on the labels affixed to the bottles containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser in that these statements purported and represented that the product had a phenol coefficient of not less than 7; was effective as an aid in killing all germs; and was a reliable germicide or disinfectant when used as directed, whereas the product did not possess a phenol coefficient of 7; was not effective as an aid in killing all germs; and was not a reliable germicide or disinfectant when used as directed.

The "Cenol Roach Destroyer" was misbranded in that the labels affixed to the cartons containing the product did not bear a statement giving the correct name and percentage amount of each and every active ingredient and the total percentage amount of inert ingredients, or in lieu of this, the correct name and percentage amount of each and every inert ingredient. The product was further misbranded in that the labels affixed to the cartons containing the product stated,

"Inactive Ingredients -----
Talc and Phosphates----- 40.00%,"

which statement was false and misleading and served to deceive and mislead the purchaser because it was not a correct statement of the percentage amount of inert ingredients present and the inert ingredients did not consist of talc and phosphate.

On May 25, 1945, a plea of nolo contendere was entered and the court imposed a fine of \$200 on count one, \$100 each on count two and count three, and costs.

1940. Misbranding of "Boyer's '3B' No. 106 Moth Crystals," misbranding and adulteration of "Boyer's '3B' Stainless Fly Spray and Killer," misbranding and adulteration of "Boyer's Kill-Em-All Ant Killer Powder," and misbranding of "Boyer's Kill 'Em All Fly Killer Liquid." U. S. v. The Boyer Chemical Laboratory Company, a corporation. Plea of guilty. Fine \$100 and costs. (I. & F. No. 2353. I. D. Nos. 2387, 7198, 7197, 7200, 5831.)

Samples of "Boyer's '3B' No. 106 Moth Crystals" were checked and found to be 8.4 percent and 7.0 percent short in net weight. Analysis of "Boyer's '3B' Stainless Fly Spray and Killer" showed that the product consisted mainly of mineral oil and thiocyanate. Upon analysis of a sample of "Boyer's Kill-Em-All Ant Killer" it was found to consist of 44.20 percent sodium fluoride, small amounts of other sodium salts, and organic matter of the nature of starchy material. Analysis of "Boyer's Kill 'Em All Fly Killer Liquid" showed it to consist of mineral oil containing pyrethrum extract and aromatic material.

On September 5, 1944, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Boyer Chemical Laboratory Company, a corporation, alleging shipments in interstate commerce, on or about October 2, 1941, from Chicago, Ill., to Cranford, N. J., and on or about July 26, 1943, from Chicago, Ill., to Porter, Ind., of quantities of "Boyer's '3B' No. 106 Moth Crystals" which was misbranded within the meaning of the Insecticide Act of 1910; on or about July 26, 1943, from Chicago, Ill., to Porter, Ind., of a quantity of "Boyer's '3B' Stainless Fly Spray and Killer" which was misbranded and adulterated within the meaning of the Insecticide Act of 1910; on or about July 26, 1943, from Chicago, Ill., to Porter, Ind., of a quantity of "Boyer's Kill-Em-All Ant Killer" which was misbranded and adulterated within the meaning of the Insecticide Act of 1910; and on or about March 10, 1942, and July 22, 1942, from Chicago, Ill., to Bridgman, Mich., of quantities of "Boyer's Kill 'Em All Fly Killer Liquid" which was misbranded within the meaning of the Insecticide Act of 1910.

The product "Boyer's '3B' No. 106 Moth Crystals" was alleged to be misbranded in that the statement "One Pound," borne on the labels affixed to the cans, was false and misleading and served to deceive and mislead the purchaser because the product was less than 1 pound in weight.

The product "Boyer's '3B' Stainless Fly Spray and Killer" was alleged to be misbranded in that the statement, "Contains in Combination, Insect Flower Extract (Pyrethrum Cinerariae-folium)," borne on the labels affixed to the bottles that contained the product, was false and misleading and served to mislead and deceive the purchaser. The statement purported and represented that the product contained insect flower extract, whereas it did not contain insect flower extract.

The product "Boyer's '3B' Stainless Fly Spray and Killer" was alleged to be adulterated in that the statement, "Contains in Combination, Insect Flower Extract (Pyrethrum Cinerariae-folium) * * *," borne on the labels affixed to the bottles that contained the product, purported and represented that the product contained insect flower extract, whereas other substances had been substituted for insect flower extract.

The product "Boyer's Kill-Em-All Ant Killer Powder" was alleged to be misbranded in that the labels affixed to the cans that contained the product bore the statement "Active Ingredients Sodium Fluoride 47% Inert Ingredients, principally bait to entice insects 53%," which was false and misleading, and the product was labeled so as to mislead and deceive the purchaser since it contained less than 47 percent sodium fluoride and more than 53 percent inert ingredients.

The product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. The statement, "Active Ingredients Sodium Fluoride 47% * * * Inert Ingredients, principally bait to entice insects 53%," borne on the labels affixed to cans that contained the product, purported and represented that the product contained sodium fluoride in the amount of not less than 47 percent and inert ingredients in an amount not more than 53 percent, whereas it contained less than 47 percent of sodium fluoride and more than 53 percent inert ingredients.

"Boyer's 'Kill Em All' Fly Killer Liquid" was misbranded in that the statements, "Boyer's 'Kill Em All' Fly Killer" * * * Kills Flies, Moths, * * * "Shoot it at 'em and watch 'em die"

Directions

"For Flies * * * Close up room, spray room thoroughly, filling it with mist. Keep it closed for $\frac{1}{4}$ hour or so * * *
 "For Moths - - - Beat and clean article well. Spray thoroughly. Pack away while still damp with mist,"

borne on the labels affixed to the cans that contained the product, were false and misleading and served to mislead and deceive the purchaser in that the product when used as directed would not kill flies and would not control moths (clothes moths) and the claims "Kill Em All" and "Shoot it at 'em and watch 'em die" were misleading since the product did not have the effectiveness implied by these claims.

On November 27, 1944, a plea of guilty was entered, and the court imposed a fine of \$100 and costs.

1941. Adulteration and misbranding of "Tri-O-Pine 3-Way Pine Oil Disinfectant" and misbranding of "Tri-O-Cide Liquid Moth Spray." U. S. v. Milton M. Blank, Harold Blank, and Nathan Blank, a co-partnership, doing business under the style and trade name of Trio Chemical Works. Plea of guilty. Each of the partners fined \$200 on each of four counts. Total \$2,400. Sentence on counts two, three, and four suspended and firm placed on probation for 1 year. (I. & F. No. 2376. I. D. Nos. 5545, 5550.)

An analysis of "Tri-O-Pine 3-Way Pine Oil Disinfectant" showed that the product consisted of mineral oil, pine oil, a small amount of water, and an emulsifying agent, and that it had a phenol coefficient of less than 0.3.

An analysis of "Tri-O-Cide Liquid Moth Spray" showed that the product consisted of a water solution of magnesium silicofluoride.

On April 13, 1945, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton M. Blank, Harold Blank, and Nathan Blank, a co-partnership, doing business under the style and trade name of Trio Chemical Works, Brooklyn, N. Y., alleging shipment in interstate commerce, on or about July 31, 1944, from Brooklyn, N. Y., to Jersey City, N. J., of a quantity of "Tri-O-Pine 3-Way Pine Oil Disinfectant," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910, and, on or about September 7, 1944, from Brooklyn, N. Y., to Union City, N. J., of a quantity of "Tri-O-Cide Liquid Moth Spray," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one the product "Tri-O-Pine 3-Way Pine Oil Disinfectant" was alleged to be an adulterated fungicide in that the labels affixed to cans containing the product bore the words and figures as follows:

"Trio
 Product
 Tri-O-Pine
 3-Way
 Pine Oil Disinfectant
 Coef. 3+—Inert Water 10%
 1. Disinfects
 2. Deodorizes
 3. Cleans

Recommended for apartment houses, factories, public institutions, steamships, railroad stations wherever an effective, fragrant, pine-odor disinfectant is desired.

Soluble in Water
 Manufactured by
 Trio Chemical Works
 Manufacturers of Sanitary Chemicals
 Brooklyn, New York
 U. S. A."

whereas the product contained more than 10 percent inert ingredients and possessed a phenol coefficient of less than 3+. The product was further adulterated in that mineral oil had been substituted in part for the article, pine oil disinfectant.

In count two, the product "Tri-O-Pine 3-Way Pine Oil Disinfectant" was alleged to be misbranded in that the labels affixed to the cans containing the product were false and misleading and served to deceive and mislead the purchaser because (1) the product was not a pine oil disinfectant, (2) the inert ingredients

consisted of mineral oil and water in excess of 10 percent, and (3) the product did not have a phenol coefficient of 3+ and would not disinfect apartment houses, factories, public institutions, steamships, and railroad stations.

In count three, the product "Tri-O-Cide Liquid Moth Spray" was alleged to be a misbranded insecticide in that the labels affixed to the cans containing the product bore the words and figures as follows:

"A TRIO
PRODUCT
TRI-O-CIDE
Liquid
MOTH SPRAY

Manufactured with the finest chemical ingredients available, this effective, practically odorless and 100% non-inflammable, moth spray is recommended in moth control for furriers and clothing establishments, and is designed primarily for the extermination and control of moths, their eggs and larvae.

TRI-O-CIDE is guaranteed to mothproof the fabric treated for a period of not less than two years and this guarantee is backed by a policy issued by the Underwriters of Lloyds of London.

TRI-O-CIDE is non-poisonous and non-inflammable.

HOW TO USE

For proper protection, TRIOCIDE must be applied in sufficient quantity to moisten pile or surface thoroughly. The quantity required for each job will vary with the weight and weave of the fabric. TRIOCIDE can be sprayed or sponged on. Generally $\frac{2}{3}$ of a pint is required to mothproof a 3 piece suit or overcoat; rugs 9 x 12 require 1 gal.; and 3 piece upholstered sets require 1 $\frac{1}{4}$ gals.; others in proportion. TRIOCIDE will not harm garments that water won't harm.

Manufactured by
TRIO CHEMICAL WORKS
Manufacturers of Sanitary Chemicals
BROOKLYN, NEW YORK
U. S. A."

whereas the product consisted partially of an inert substance (water), which did not prevent, destroy, repel, or mitigate insects, but did not have the name and percentage amount of such inert ingredient stated on the label, nor did the label bear a statement of the name and percentage amount of the ingredient having insecticidal properties and the total percentage of inert ingredients.

In count four, the product "Tri-O-Cide Liquid Moth Spray" was alleged to be further misbranded in that the labels affixed to the cans were false and misleading and served to deceive and mislead the purchaser. They stated in part: "Tri-O-Cide Liquid Moth Spray * * * is designed primarily for the extermination * * * of moths, their eggs and larvae. Tri-O-Cide is guaranteed to mothproof the fabric treated for a period of not less than two years;" whereas the product when used as directed would not exterminate moths, their eggs, and larvae, and would not mothproof under all conditions.

On May 14, 1945, the defendants pleaded guilty and on May 24, 1945, the court imposed a fine of \$200 on each of four counts for each partner. Sentence was suspended on counts two, three, and four and the firm placed on probation for 1 year.

1942. Misbranding of "Daigle's Roach Pies." U. S. v. Gillis A. Daigle, doing business under the style and trade name of Daigle's Products. Plea of guilty. Fine \$25. (I. & F. No. 2377. I. D. No. 7624.)

Analysis of a sample of "Daigle's Roach Pies" showed that the product consisted of 18.1 percent lead arsenate and 81.9 percent inert ingredients.

On March 2, 1945, the United States attorney for the Eastern District of Louisiana, acting upon a report from the Secretary of Agriculture, filed an information in the district court against Gillis A. Daigle, doing business under the trade name of Daigle's Products, alleging shipment in interstate commerce, on or about June 16, 1943, from New Orleans, La., to Pensacola, Fla., of a quantity of "Daigle's Roach Pies" which was a misbranded insecticide under the Insecticide Act of 1910.

In count one, the product was alleged to be misbranded in that it consisted in part of inert substances (substances other than lead arsenate), which did

not prevent, destroy, repel, or mitigate insects, but it did not have the name and percentage amount of each and every one of such inert ingredients stated on the label, nor did the label bear a statement of the name and percentage amount of the ingredient having insecticidal properties and the total percentage of inert ingredients.

It was further misbranded in that it was a product other than lead arsenate or paris green containing arsenic and the label did not bear a statement of the percentage amounts of the total and water soluble arsenic expressed as metallic arsenic.

In count two, the product was alleged to be further misbranded in that the labels affixed to the cards bearing the caps were false and misleading and served to deceive and mislead the purchaser. The labels stated in part: (1) "Daigle's Roach Pies * * * It keeps 'Em Out * * * Roaches will * * * stay away as long as the paste lasts," and (2) "Non-poisonous to Humans, or Pets." This statement purported and represented that the product possessed a degree of effectiveness which it did not possess, and further that the product was non-poisonous to humans and pets, which statement was false and misleading and served to deceive and mislead the purchaser since the product would not repel roaches and was extremely poisonous to humans and pets.

On March 21, 1945, a plea of guilty was entered, and the court imposed a fine of \$25.

1943. Adulteration and misbranding of "Clora-Cleen." U. S. v. 83 five-pound cartons of "Clora-Cleen." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2372. I. D. No. 8521.)

Analysis of a sample of "Clora-Cleen" showed that the product consisted of 2.16 percent calcium hypochlorite, together with other calcium compounds, sodium carbonate, and sodium bicarbonate.

On November 4, 1944, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 five-pound cartons of "Clora-Cleen" at Baltimore, Md., alleging that the product had been shipped in interstate commerce, on or about August 22, 1944, by the Chemical Manufacturing Distributing Company, from Easton, Pa., and charging that the product was a misbranded and adulterated fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength or purity fell below the standard or quality under which it was offered for sale. The statement "Calcium Hypochlorite 5%," borne on the labels affixed to the cartons, purported and represented that the product contained not less than 5 percent of calcium hypochlorite, whereas the product did not contain 5 percent of calcium hypochlorite.

The product was alleged to be misbranded in that it consisted partially of inert substances (substances other than calcium hypochlorite), which did not prevent, destroy, repel, or mitigate fungi (bacteria), and did not have the name and percentage amount of each and every one of such inert ingredients stated on the label, nor did the label bear a statement of the name and correct percentage amount of the ingredients having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

The product was further misbranded in that the statement "calcium hypochlorite 5%," borne on the labels affixed to the cartons, was false and misleading and by reason thereof the product was labeled and branded so as to deceive and mislead the purchaser. The statement purported and represented that the strength or purity of the product was such that it contained not less than 5 percent of calcium hypochlorite, whereas the product fell below the professed standard or quality under which it was sold as it contained less than 5 percent of calcium hypochlorite.

It was further misbranded in that the statements,

"Clora-Cleen * * * For Sterilizing * * * Glassware Dishes Bottles Etc. * * * is used * * * to * * * clean and disinfect in one operation. DIRECTIONS One-half ounce (about one level tablespoonful) in one gallon of water gives approximately 75 parts per million of available chlorine. This strength is recommended for washing and disinfecting dishes, glasses, bottles, etc. For more difficult work involved such as milking-machines, dairy equipment, etc., solution of one ounce per gallon (about 150 P. P. M. chlorine) is recommended. For spraying walls and vats * * *,"

borne on the labels affixed to the cartons, were false and misleading and by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser. The statements purported and represented that the product was a sterilizer and would sterilize when used as directed; would clean and disinfect in one operation; and could be relied upon to disinfect when used as directed; whereas the product was not a sterilizer; would not sterilize when used as directed; would not clean and disinfect in one operation; and could not be relied upon to disinfect when used as directed.

The article was further misbranded in that the statement "Lee-Chem Products Clora-Cleen * * * Leeds Chemical Co., Inc., Baltimore, Md.," borne on the cartons, was false and misleading in that the product was labeled and branded so as to deceive and mislead the purchaser. The statement purported and represented that the Leeds Chemical Company of Baltimore, Md., was the manufacturer of the product, whereas it was not the manufacturer.

On January 27, 1945, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the United States marshal was ordered to destroy the product.

1944. Misbranding of "Medi-Nest-Egg." U. S. v. 240 "Medi-Nest-Eggs." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2375. I. D. No. 8189.)

Examination of the product showed that it consisted of two naphthalene balls encased in an egg-shaped material composed chiefly of plaster of paris, with small amounts of sulphur and calcium carbonate.

On November 30, 1944, the United States attorney for the Western District of Louisiana, acting on a report by the Secretary of Agriculture, filed a libel in the district court praying seizure and condemnation of 240 "Medi-Nest-Eggs" that had been transported in interstate commerce, on or about November 6, 1944, by personal delivery by a salesman of Barger & Barger, from San Antonio, Tex., to Shreveport, La.

The article contained in the cartons when shipped in interstate commerce was labeled, marked, and branded as follows:

"MEDI-NEST-EGG"

"This harmless, medicated nest egg disinfects the nest against poultry diseases, frees from fleas, mites, lice and other pests, increasing egg production.

Put a genuine "MEDI-NEST-EGG" in each hen's nest and see your poultry profits grow.

Contains: 90 percent Plaster of Paris, 6 percent Hydrated
Lime, 2 percent Sulphur, 2 percent Salt, 2
Naphthalene Balls

Pat. Pending

At all leading Feed Stores or direct from

BARGER & BARGER

301 East White Ave. K-8707 San Antonio, Texas."

The product was alleged to be a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910 in that it consisted entirely of inert ingredients which did not prevent, destroy, repel, or mitigate insects or fungi (bacteria), and the label did not bear a statement of the correct names and percentage amounts of each and every inert ingredient and the fact they were inert.

The product was further misbranded in that the statements, "This harmless, medicated nest egg disinfects the nest against poultry diseases * * * frees from fleas, mites, lice and other pests, increases egg production. Put a genuine "Medi-Nest-Egg" in each hen's nest and see your poultry profits grow," borne on the labels affixed to the cartons containing the nest eggs, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser. The statements purported and represented that the product was a disinfectant, would disinfect against poultry diseases, and when used as directed, would free nests from fleas, mites, lice, and other pests, and would increase egg production or cause poultry profits to grow, whereas the product was not a disinfectant, would not disinfect against

poultry diseases, and when used as directed would not free nests from fleas, mites, lice, and other pests, and would not increase egg production or cause poultry profits to grow.

On February 20, 1945, no claimant having appeared, a judgment of condemnation and forfeiture was entered by the court, and the product was ordered destroyed by the United States marshal.

1945. Misbranding of "Mann" Disinfecting Lubricant and Cleanser." U. S. v. Frank S. Horowitz, doing business under the style and trade name of "Mann" Chemical Corporation. Plea of guilty. Fine \$250. (I. & F. No. 2356. I. D. No. 8292.)

Analysis of a sample of "Mann" Disinfecting Lubricant and Cleanser" showed that the product consisted of mineral oil, phenolic bodies, small amount of essential oil, and probably a small amount of an oil soluble wetting agent.

On September 1, 1944, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank S. Horowitz, doing business under the style and trade name of "Mann" Chemical Corporation, alleging shipment in interstate commerce, on or about April 14, 1943, from Avon, N. J., to San Francisco, Calif., of a quantity of a product labeled and known as "Mann" Disinfecting Lubricant and Cleanser," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

In count one, the product was alleged to be misbranded in that the labels affixed to the bottles containing the product had the words and figures as follows:

"CONTENTS ONE QUART
"MANN"
DISINFECTING LUBRICANT
AND
CLEANSER"
Contains—Petroleum Ether Fraction 49%—
Oil Gossypii Sem 40%—Germicides, etc. 11%
FOR CONTINUOUSLY DISINFECTING AND LUBRICAT-
ING THE DENTAL HANDPIECE AND CONTRA-ANGLE.
It will not corrode, rust or gum the working parts.

BACTERIOLOGICALLY TESTED
DIRECTIONS FOR USE
(Between Treatment of Patients and at Close of Day)

STRAIGHT HANDPIECE: Immerse the lower half of straight handpiece in the "Mann" Cleanser and run the machine for one minute or longer, remove and wipe with cleansing tissue. (At close of each day remove the sheath, clean and relubricate spindle with "Mann" Disinfecting Lubricant and Cleanser.)
ANGLE HANDPIECE: Attach contra-angle to straight handpiece. Open burr latch so that Disinfecting Cleanser will circulate freely between lower and upper orifice. Immerse angle handpiece until completely covered with "Mann" Cleanser and run the engine one minute, reversing occasionally. Remove angle and with engine running, wipe with the cleansing tissue.

ALWAYS KEEP JAR FILLED TO NECK WITH "MANN" CLEANSER

FOR EXTERNAL USE ONLY

"MANN" CHEMICAL CORP.
BRADLEY BEACH NEW JERSEY,"

whereas the product consisted partially of an inert substance (mineral oil), which did not prevent, destroy, repel, or mitigate fungi (bacteria), and the product did not have the name and percentage amount of such inert ingredient stated on the labels, nor did the labels bear a statement of the name and percentage amount of the ingredients having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count two, the product was alleged to be further misbranded in that the statement, "Contains—Petroleum Ether Fraction 49%—Oil Gossypii Sem 40%—Germicides, etc. 11%," contained on the labels, was false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statement purported and represented that the product contained not less than 40 percent cottonseed oil (*Oleum gossypii seminis*) and 11 percent of germicides, whereas the product did not contain any cottonseed oil (*Oleum gossypii*

seminis), but consisted chiefly of mineral oil, and contained less than 11 percent of phenolic bodies (germicides).

In count three, the product was alleged to be further misbranded in that the statements,

"Mann Disinfecting Lubricant . . .
For Continuously Disinfecting . . . The Dental
Handpiece and Contra-Angle . . .
Bacteriologically Tested
Directions for Use . . .

Straight Handpiece: Immerse the lower half of straight handpiece in the "Mann" Cleanser and run the machine for one minute or longer, remove and wipe with cleansing tissue. (At close of each day remove the sheath, clean and relubricate spindle with "Mann" Disinfecting Lubricant and Cleanser.)

Angle Handpiece: Attach contra-angle to straight handpiece. Open burr latch so that Disinfecting Cleanser will circulate freely between lower and upper orifice. Immerse angle handpiece until completely covered with "Mann" Cleanser and run the engine one minute, reversing occasionally. Remove angle and with engine running, wipe with cleansing tissue,"

borne on the labels affixed to the bottles containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statements purported and represented that the product would disinfect when used as directed, whereas the product would not disinfect when used as directed.

On October 7, 1944, a plea of guilty was entered and on October 28, 1944, the court imposed a fine of \$250.

1946. Adulteration and misbranding of "Greater New York Powder Brown No. 1."
U. S. v. Abe Mann and Harold Kaplan, co-partners, doing business under the style and trade name of Greater New York Exterminating Company.
Plea of guilty. Fine \$150. (I. & F. No. 2362. I. D. No. 5524.)

On October 25, 1944, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abe Mann and Harold Kaplan, co-partners, doing business under the style and trade name of Greater New York Exterminating Company, alleging shipment in interstate commerce, on or about August 26, 1943, from New York, N. Y., to Newark, N. J., of a quantity of "Greater New York Powder Brown No. 1," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one the product was alleged to be adulterated in that the labels affixed to the packages containing the product bore the statements "Inert Pyrethrum Flowers 99.9--Active Pyrethrins .1," whereas the product's strength or purity fell below the professed standard or quality under which it was offered for sale, since the statements purported and represented that the product contained not less than 0.1 percent pyrethrins and not more than 99.9 percent inert matter, whereas it contained less than 0.1 percent pyrethrins and more than 99.9 percent inert matter.

In count two the product was alleged to be misbranded in that the statements, "Inert Pyrethrum Flowers 99.9--Active Pyrethrins .1," borne on the labels affixed to the packages containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statements purported and represented that the product contained not less than 0.1 percent pyrethrins and not more than 99.9 percent inert matter, whereas the product contained less than 0.1 percent pyrethrins and more than 99.9 percent inert matter.

In count three the product was alleged to be further misbranded in that the statements,

"Greater New York Powder Brown No. 1 * * * This brand of powder is effective against Roaches, Ants, Clocks, Waterbugs * * *

Directions :

Apply thoroughly by sprinkling the powder in and around edges of cracks and shrunken woodwork, under sides of tables, counters, sinks, tubs, shelves, ice boxes, toilets and in any other place where Roaches may hide. Leave the powder undisturbed for fifteen days. Scatter the powder out of sight as much as possible so that some of it may always remain in crevices,"

borne on the labels affixed to the packages containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser.

The statements purported and represented that the product, when used as directed, would control roaches, ants, waterbugs, and clocks (beetles), whereas the product, when used as directed, would not control roaches, ants, waterbugs, and clocks (beetles).

On October 27, 1944, the defendants entered a plea of guilty and were fined \$50 on each count, making a total of \$150.

1947. Misbranding of "All Purpose Garden Dust." U. S. v. Douglas Sulphur Company. Found guilty by the court. Fine \$50. (I. & F. No. 2359. I. D. No. 7664.)

Examination of a sample of "All Purpose Garden Dust" showed that the product contained free sulphur 53.3 percent, pyrethrin I, 0.01 percent, and ash, 31.0 percent.

On September 15, 1944, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Douglas Sulphur Company, a corporation, alleging shipment in interstate commerce, on or about August 14, 1943, from Houston, Tex., to Shreveport, La., of a quantity of "All Purpose Garden Dust," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

In count one, the product was alleged to be misbranded in that the labels affixed to the bags containing the product were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The label stated:

"Pyrethrum Dust-----	10%
Wetting Agent-----	1/2%
Sulphur-----	50%
Inert-----	39 1/2%,"

whereas the statement was not correct because the active ingredients consisted of sulphur and pyrethrins in the pyrethrum powder, and the remainder of the product was inert.

In count two, the product was alleged to be misbranded in that the statements,

"For Victory Gardens
All Purpose Garden Dust
Kills the Insects and Protects the Plants
Kills All Sucking and Chewing Insects
* * * All Purpose Garden Dust

Is a combination of insecticides and chemicals that . . . kills the insects * * *

Directions

A highly effective garden insecticide for control of many sucking and leaf eating insects preying on vegetables, flowers, shrubs, vines and trees. . . . Just sift on plants like salt or pepper. Effective against lice and fleas on Dogs, Cats, Chickens, etc.,"

borne on the labels affixed to the bags containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statements purported and represented that the product when used as directed was an all-purpose garden dust, killed the insects and protected the plants, killed all sucking and chewing insects, killed many sucking and leaf-eating insects preying on the vegetation cited, and was effective against fleas and lice on dogs, cats, chickens, and other animals, whereas the product when used as directed was not an all-purpose garden dust, would not kill the insects and protect the plants, would not kill all sucking and chewing insects, nor many sucking and leaf-eating insects that preyed on the vegetation cited, and was found to be ineffective against fleas and lice on dogs, cats, chickens, and other animals.

On March 3, 1945, the defendant was found guilty on both counts and on March 7, 1945, was fined \$50.

1948. Adulteration and misbranding of "Pine Oil Disinfectant." U. S. v. 19 one-gallon jugs of "Pine Oil Disinfectant." Default decree of condemnation and destruction. (I. & F. 2364. I. D. No. 8038.)

Examination of a sample of "Pine Oil Disinfectant" showed that the product contained over 26 percent mineral oil, less than 64 percent pine oil, 4.3 percent water, and 5.5 percent soap.

On August 21, 1944, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 19 one-gallon jugs of "Pine Oil Disinfectant" at Columbus, Ga., alleging that the product had been shipped in interstate commerce, on or about December 9, 1943, by the Yel-O-Pine Medicine Company, from Montgomery, Ala., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that another substance, mineral oil, had been substituted in part for the article, "pine oil disinfectant."

The product was alleged to be misbranded in that the product consisted partially of inert substances (water and mineral oil), which did not prevent, destroy, repel, or mitigate fungi (bacteria), and did not have the name and percentage amount of each and every one of such inert ingredients stated on the labels, nor did the labels bear a statement of the names and percentage amounts of the ingredients having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

The product was further misbranded in that the statement "Pine Oil Disinfectant," borne on the labeling affixed to the jugs, was false and misleading and served to deceive the purchaser. The statement purported and represented that the product was exclusively pine oil disinfectant, whereas the product consisted of pine oil disinfectant and mineral oil.

On November 10, 1944, no claimant having appeared judgment of condemnation and forfeiture was entered, and the United States marshal was ordered to destroy the product.

1949. Misbranding of "Clieo DeoCide Spray" and adulteration and misbranding of "Clieo Guard Cutting-Oil Disinfectant." U. S. v. Carl B. Lien, doing business under the style and trade name of Lien Chemical Company. Plea of guilty. Fine \$150 and costs. (I. & F. No. 2361. I. D. Nos. 9366 and 9373.)

Analysis of a sample of "Clieo DeoCide Spray" showed that the product consisted of formaldehyde, 1.79 percent, perfume, 0.77 percent, fatty matter, nature of soap, 0.68 percent, water, etc., 96.76 percent.

Analysis of a sample of "Clieo Guard Cutting-Oil Disinfectant" showed that the product consisted of water, 56.0 percent, phenolic bodies and a small amount of soap, 44.0 percent.

On September 13, 1944, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Carl B. Lien, doing business under the style and trade name of Lien Chemical Company, alleging shipments in interstate commerce, from Chicago, Ill., to Milwaukee, Wis., on or about November 22, 1943, of quantities of "Clieo DeoCide Spray," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910, and on or about February 18, 1944, of quantities of "Clieo Guard Cutting-Oil Disinfectant," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

In count one the "Clieo DeoCide Spray" was alleged to be a misbranded fungicide in that the labels affixed to the bottles containing the product bore the words and figures as follows:

"DIRECTIONS: Apply with sprayer, spraying directly on source of foul odor, if possible. Spray into air toward ceiling to destroy foul odor gases.

Can be sprayed directly on toilet seats, hinges, toilet bowls, urinals, etc.

Apply directly to floor around base of toilet bowls and urinals to destroy odor sources and germs.

A few ounces in urinal drains, cuspidors, garbage cans, etc., will destroy foul odors.

Deodorize ash trays, sand urns, and other smoking equipment by wiping with cloth wetted with Clieo DeoCide Spray.

CLIEO
DEOCIDE SPRAY
DEODORANT
(contains Formaldehyde)
SANITATION, HYGIENIC
AND

Protection Against
Spread of Diseases.
Raising of General

LIEN
Health Standards. Uplift in
Personal Hygienic Habits
LIEN CHEMICAL CO.

CLIEO
DEOCIDE SPRAY
A powerful deodorant spray to be used for quick, effective destruction of most types of foul odors. Leaves a refreshing, mild scent in the air but no lasting odor. A deodorant, antiseptic and disinfectant solution.

CAUTION: Use glass jar type of sprayer, if possible. Always empty sprayer equipment after using Clieo DeoCide Spray.

Guaranteed by
LIEN CHEMICAL CO.
EXTERMINATION
SPECIALISTS
Milwaukee Chicago
Rockford
Reg. U. S. Pat. Off."

whereas the product consisted partially of an inert substance (water), which did not prevent, destroy, repel, or mitigate fungi (bacteria), but it did not have the name and the percentage amount of such inert ingredient stated on the label affixed to the bottles containing the product, nor did the labels bear a statement

of the name and percentage amount of the ingredients having fungicidal (bactericidal) properties and the total percentage of inert ingredients.

In count two the product was alleged to be further misbranded in that the statements,

"Protection against Spread of diseases *

A deodorant, antiseptic and disinfectant solution. * Apply directly to floor around base of toilet bowls and urinals to destroy odor sources and germs,"

borne on the labels affixed to the bottles containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statements purported and represented that the product would destroy all odor sources and all germs, and that it was further a disinfectant for all purposes, as might have been implied, and could have been relied upon for the protection from the spread of disease, whereas the product would not destroy all odor sources and germs, was not a disinfectant for all purposes implied, and could not have been relied upon for the protection against the spread of disease.

In count three the "Clie Guard Cutting-Oil Disinfectant" was alleged to be an adulterated fungicide in that the label affixed to the jugs containing the product bore the words and figures "Inert Matter 10% Water," whereas the product's strength or purity fell below the professed standard or quality under which it was offered for sale, as said statement purported and represented that the product contained not more than 10 percent of water, whereas the product did contain more than 10 percent water.

In count four the product was alleged to be misbranded in that the statement "Inert Matter 10% water," borne on the labels affixed to the jugs containing it, was false and misleading, and it was labeled so as to deceive and mislead the purchaser. The statement purported and represented that the product contained not more than 10 percent water, whereas it contained more than 10 percent water.

In count five the product was alleged to be further misbranded in that the statements,

"Cutting Oil Disinfectant * * *
for

Protective Hygiene In Industry
Protection Against Spread of Diseases * * *

Clie Guard is a powerful Germicide to be used in Cutting-Oils or Water-Emulsion Cutting-Oils which are used as lubricants and cooling agents during the cutting of metals. Helps protect workers' hands and bodies from infection caused by bacteria contaminated oils. Workers handling steel cutting machinery have their skin cut many times daily by small slivers of steel cuttings. Cutting Oil provides an ideal place for putrefactive pus-forming bacteria to grow. These bacteria find easy access to the cuts in workers' skin and as a result, boils and infections start to form. This serious menace can be guarded against by the use of Clie Guard as directed. Directions: Treat Cutting Oils with Clie Guard before use by adding one pint of Clie Guard to 50 gallons of Cutting Oil, lubricant or cooling compound (one part Clie Guard to 400 parts material). Clie Guard is added directly to Cutting Oils and compounds, and kills the pus-producing germs. * * * For General Disinfection: First remove all filth and dirt from premises to be disinfected, then place two tablespoonfuls of Clie Guard in an ordinary bucket that will contain 2½ gallons of water and thoroughly sprinkle,"

borne on the labels affixed to the jugs containing the product, were false and misleading and the product was labeled so as to deceive and mislead the purchaser. The statements purported and represented that the product when used according to the quoted directions constituted protective hygiene or protection against spread of disease, was a cutting oil disinfectant, helped protect workers' hands and bodies from infection caused by bacteria contaminated oils, guarded against this serious menace, killed pus-producing germs, and would act as a general disinfectant for premises when sprinkled, whereas the product when used according to the quoted directions would not constitute protective hygiene or protection against spread of disease, was not a cutting-oil disinfectant, would not help protect workers' hands and bodies from infection caused by bacteria-contaminated oils or guard against this serious menace, and would not kill pus-forming germs; nor would the product act as a general disinfectant for premises when sprinkled.

On October 23, 1944, a plea of guilty was entered and the court imposed a fine of \$150 and costs.

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